REMARKS

This Amendment is responsive to the Office Action dated July 12, 2004. Claims 1-17 were pending in the application. In the Office Action, claims 1-17 were rejected. In this Amendment, claims 1, 4, 8, 10, 13 and 15 have been amended. Claims 1-17 thus remain for consideration.

Applicant submits that claims 1-17 are in condition for allowance and requests reconsideration and withdrawal of the rejections in light of the following remarks.

Title

Applicant has provided a new title.

The new title is believed to be clearly indicative of the invention to which the claims are directed.

Specification

Applicant has made numerous amendments to the specification, and believes that the specification is now in compliance with all formality requirements.

§102 and §103 Rejections

Claims 1-7 were rejected under 35 U.S.C. §102(b) as being anticipated by Tamai et al. (U.S. Patent No. 5,883,869).

Claims 8-17 were rejected under 35 U.S.C. §102(b) as being anticipated by Takeshita et al. (U.S. Patent No. 5,986,980).

Applicant respectfully submits that the independent claims (claims 1, 4, 8, 10, 13 and 15) are patentable over Tamai and Takeshita.

Applicant's invention as recited in the independent claims is directed toward a recording apparatus and method, and to a reproducing apparatus and method. Each of claims 1-7 recites that the position of a data linking block is detected by checking whether or not the data has been written in units of a fixed length packet, and that the determination of whether or not the data has been written in units of a fixed length packet is made by reading identification information and information of the length of the fixed length packet. Each of claims 8-17 recites that the linking positions of the first data linking blocks are stored in a buffer memory.

Supporting disclosure can be found in the specification at, for example, page 25, line 16 to page 27, line 8 and page 30, lines 5-14.

Neither Tamai nor Takeshita discloses (i) detecting the position of a data linking block by checking whether or not the data has been written in units of a fixed length packet by reading identification information and information of the length of the fixed length packet or (ii) that the linking positions of the first data linking blocks are stored in a buffer memory, as instantly claimed.

The cited references merely disclose how to predict a link block address by using a disk that is written in units of fixed length packets (e.g. 64k and 128k bytes). However, neither Tamai nor Takeshita discloses determining whether or not these packets are fixed length or whether or not the linking positions of the first data linking blocks are stored in a buffer memory.

Since, neither Tamai nor Takeshita discloses (i) detecting the position of a data linking block by checking whether or not the data has been written in units of a fixed length packet by reading identification information and information of the length of the fixed length packet or (ii) linking positions of the first data linking blocks are stored in a buffer memory. Applicant

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believes that claims 1, 4, 8, 10, 13 and 15 are patentable over Tamai and Takeshita – taken either alone or in combination – on at least this basis.

Claims 2 and 3 depend on claim 1. Since claim 1 is believed to be patentable over the cited references, claims 2 and 3 are believed to be patentable over the cited references on the basis of their dependency on claim 1.

Claims 5-7 depend on claim 4. Since claim 4 is believed to be patentable over the cited references, claims 5-7 are believed to be patentable over the cited references on the basis of their dependency on claim 4.

Claim 9 depends on claim 8. Since claim 8 is believed to be patentable over the cited references, claim 9 is believed to be patentable over the cited references on the basis of its dependency on claim 8.

Claims 11 and 12 depend on claim 10. Since claim 10 is believed to be patentable over the cited references, claims 11 and 12 are believed to be patentable over the cited references on the basis of their dependency on claim 10.

Claim 14 depends on claim 13. Since claim 13 is believed to be patentable over the cited references, claim 14 is believed to be patentable over the cited references on the basis of its dependency on claim 13.

Claims 16 and 17 depend on claim 15. Since claim 15 is believed to be patentable over the cited references, claims 16 and 17 are believed to be patentable over the cited references on the basis of their dependency on claim 15.

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Applicant submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicant's undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.
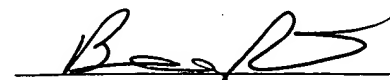
If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
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